

**Approval Authority for the Acquisition, Disposition,
and Leasing of Real Property
Policy No. 03-01**

Attachment # 1
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5. Real Property Owned By Others; Acquisition or Lease by County

a. Acquisition of Real Property Under the Threat of Condemnation

i. Any real property that has been identified on a Right-of-Way Map as being necessary to implement a Capital Improvements Project shall be acquired under the threat of condemnation pursuant to the guidelines provided in Section 73.015, *Florida Statutes*, and pursuant to the following authority and procedure:

ii. The County Administrator shall have the authority to approve and to execute any and all documents necessary to complete the acquisition of any parcel of real property necessary to implement a Capital Improvements Project for which the full compensation to a property owner is either:

(1) An amount no greater than the County's estimate of full compensation, inclusive of attorney's fees and costs, for that parcel;

(2) An amount no greater than \$25,000, inclusive of attorney's fees and costs, regardless of the amount of the County's estimate of full compensation for that parcel; or

(3) An amount no greater than \$125,000, inclusive of attorney's fees and costs, provided, however, that such amount of full compensation does not exceed the County's estimate of full compensation for that parcel by more than 25 percent.

iii. In the absence of the County Administrator, the Assistant County Administrator may execute any and all documents necessary to complete such acquisitions which have been approved by the County Administrator.

iv. Any offers of full compensation to or from property owners for which the amount exceeds the County Administrator's authority, or which include any nonmonetary terms, shall be presented to the Board pursuant to the following procedure:

(1) The Department shall review and evaluate the terms and conditions of the offer and present to the Board for consideration an agenda item summarizing the offer.

(2) An offer may be placed on the Board's consent agenda if all of the following conditions are met. If any such condition is not met, such offers shall be presented to the Board on its general business agenda for discussion:

(a) If the amount of the offer does not exceed \$250,000; and

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- (b) The amount of the offer does not exceed the County's estimate of full compensation for that parcel by more than 50 percent; and
 - (c) The offer does not include any nonmonetary terms.
 - b. Acquisition of Real Property Not Under the Threat of Condemnation
 - i. Unless otherwise provided herein, the County Administrator shall have the authority to approve and to execute any and all documents necessary to complete the acquisition of any real property not under the threat of condemnation but which is needed for County purposes and for which the acquisition price is either:
 - (1) An amount no greater than \$10,000 regardless of the County's appraisal of the fair market value for the real property; or
 - (2) An amount no greater than \$50,000 provided, however, that such acquisition price does not exceed the County's appraisal of the fair market value for the real property by more than 10 percent.
 - ii. In the absence of the County Administrator, the Assistant County Administrator may execute any and all documents necessary to complete such acquisitions which have been approved by the County Administrator.
 - iii. Any acquisition offers to or from property owners for which the amount exceeds the County Administrator's authority, or which include any nonmonetary terms, shall be presented to the Board pursuant to the following procedure:
 - (1) The Department shall review and evaluate the terms and conditions of the offer and present to the Board for consideration an agenda item summarizing the offer.
 - (2) Any such offer amount which exceeds \$250,000 shall be considered by the Board at a public hearing no earlier than 30 days after notice of such public hearing is advertised in a newspaper of general circulation published in the County. All other offers shall be placed on the Board's general business agenda for consideration.
- c. Acquisitions Pursuant to Policy 03-10, Flooded Property Acquisition Program
 - i. Definitions: As used in this Section, the following terms shall be defined as follows:

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(1) Duplication of Benefits: the total amount of any disaster-related repair assistance paid to the property owner reduced by any amounts documented by receipts showing that the repair assistance funds were used for their intended purposes. The types of disaster-related repair assistance which would be considered in determining whether there is a Duplication of Benefits include, but are not limited to, private flood insurance proceeds, federally assisted grants and loans, and any state assisted grants and loans.

(2) Flooded Property Acquisitions: any reference to an acquisition of flooded property refers to an acquisition of real property authorized under Board Policy 03-10, Flooded Property Acquisition Program, as may be amended from time to time.

ii. The County Administrator shall have the authority to approve and to execute any and all documents necessary to complete a Flooded Property Acquisition for which the acquisition price is an amount no greater than:

(1) The County's appraisal of the fair market value for the real property, estimated in accordance with the scope of appraisal set forth in Section 4.b.i, less;

(2) the amount of any Duplication of Benefits.

iii. In the absence of the County Administrator, the Assistant County Administrator may execute any and all documents necessary to complete such Flooded Property Acquisitions which have been approved by the County Administrator.

iv. Any Flooded Property Acquisition offers to or from property owners for which the amount exceeds the County Administrator's authority shall be presented to the Board for consideration on the Board's general business agenda.

d. Receipt by County of Offers to Sell or Donate Real Property

i. Any owner desiring to sell or donate real property to the County should deliver a written offer to the Department. In the event another County department is directly contacted with an offer to sell or donate real property, the Department shall be so notified by such other County department.

ii. Upon receipt of such offers, the Department shall circulate the offer to the appropriate departments for their review and comment as to any interest in the property for planned or future County projects.

iii. If a County need for the real property is identified, the Department shall prepare a written report to the County Administrator with the following information included: